



# UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,693	02/16/2001	Rocky Stewart	BEAS-01033US5	3894

7590 08/18/2005

Sheldon R. Meyer, Esq.  
FLIESLER DUBB MEYER & LOVEJOY, LLP  
Fourth Floor  
Four Embarcadero Center  
San Francisco, CA 94111-4156

EXAMINER
----------

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
----------	--------------

2152

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,693

Applicant(s)

STEWART ET AL.

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-12 and 14-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-12 and 14-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/16/07</u> | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2152

## DETAILED ACTION

1> This action is in response to Applicant's amendment and remarks. Claims 32 and 33 have been added. Claims 1, 2, 4-12 and 14-33 are presented for examination.

2> This is a non-final rejection.

### *Continued Examination Under 37 CFR 1.114*

3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7.18.2005 has been entered.

### *Response to Arguments*

4> Applicant's arguments filed 7.18.2005 have been fully considered but they are not persuasive. Additionally, Examiner believes that Applicant's amendments do not overcome the prior art reference.

Applicant has argued that Meltzer discloses extending a protocol by registering new definitions into the market maker node (conversation manager), and thus "changes" the conversation manager.

Meltzer discloses that the definitions can be registered at the market maker node (BID registry) but suggests other means of extending the protocol: posting/publishing the

Art Unit: 2152

definitions so they are generally accessible or communicating them directly to other members within the network [Figure 16 | column 2 «lines 38-44» | column 28 «lines 1-14» | column 80 «lines 22-31»]. These alternative embodiments suggest other ways of communicating the definitions to participants in the conversation and do not “change” the market maker node.

5> Applicant has also argued that Meltzer and Borwankar cannot be combined in regards to the limitations of claim 1. However Examiner notes that Meltzer and Borwankar were combined in the rejections of dependant claims 6, 8, 9, 16, 18 and 19.

There combination is reasonable as both references are directed towards a system for enabling message communications between participants. Borwankar merely disclosed the concept of privileges in regards to the communications between certain participants; that some participants were granted ability to initiate, abort or terminate communications. The benefits of such administrator/moderator functionality is well known in the art.

#### *Claim Rejections - 35 USC § 112*

6> The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7> Claims 1, 2, 4-12 and 14-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

Art Unit: 2152

which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

a. Specifically, the independent claims have been amended to disclose that “wherein the protocol is extended by the participants with no changes to the conversation manager”. Examiner could not find any support for this limitation in within Applicant’s specification; there does not seem to be language that suggests or specifically discloses that changes to the conversation manager are prohibited when extending the protocol.

8> The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9> Claims 1, 2, 4-12 and 14-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

b. Specifically, claims 1, 11, 32 and 33 are rejected for the vague use of the term “changes” in the limitation, “with no changes to the conversation manager”. There does not seem to be any clarifying language within Applicant’s specification, and the term is very broad and unclear as to what is meant by the term.

*Claim Rejections - 35 USC § 102*

1> The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2> Claims 1, 2, 4, 5, 7, 11, 12, 14, 15, 17 and 22-33 are rejected under 35 U.S.C § 102(e) as being anticipated by Meltzer et al, U.S Patent No. 6,226,675 ["Meltzer"].

10> As to claim 1, Meltzer discloses a conversation manager executing on an intermediate collaboration server for managing the flow of messages in a collaboration system, comprising:

a conversation initiation logic that initiates a conversation among participants,

Art Unit: 2152

wherein said conversation is a collective set of messages exchanged according to an extensible protocol, wherein said extensible protocol provides the ability to specify both the information and business protocols used by participants for said conversation, wherein the protocol is extending by the participants with no changes to the conversation manager

[column 2 «lines 31-44» | column 6 «lines 29-61» | column 7 «lines 6-16» | column 10 «lines 60-65» | column 27 «line 65» to column 28 «line 14» | column 80 «lines 22-44» where: Meltzer's documents are analogous to messages, the interaction between the Meltzer's participants is analogous to a conversation, and the use and creation of new business interface definitions extend the messaging protocol between participating members];

a participation registration logic that registers said participants in said conversation [Figure 13 | column 5 «lines 20-30» | column 8 «lines 62-64»]; and,

a conversation repository that stores conversation management data, wherein said conversation management data is used to manage said conversation among said participants [column 5 «lines 20-30» | column 10 «line 66» to column 11 «line 10»].

11> As to claim 2, Meltzer discloses the conversation manager of claim 1 wherein the conversation manager controls the flow of said conversation between the participants [column 6 «lines 29-36» | column 9 «lines 35-44»].

12> As to claim 4, Meltzer discloses the conversation manager of claim 1 wherein the conversation manager controls a publish/subscribe service for accepting said messages and

Art Unit: 2152

sending said messages to and from said participants [column 22 «lines 17-20» | column 23 «lines 10-16»].

13> As to claim 5, Meltzer discloses the conversation manager of claim 4 wherein a registered participant sends said messages to the publish/subscribe service for distribution to one or more said participants [column 9 «lines 35-44» | column 22 «lines 17-20»].

14> As to claim 7, Meltzer discloses the conversation manager of claim 5 wherein the conversation repository includes instructions for the distribution of said messages sent via the publish/subscribe service to the participants [column 5 «lines 20-30» | column 6 «line 62» to column 7 «line 5»].

15> Claims 11, 12, 14, 15 and 17, as they are merely claims to methods that describe the steps implemented by the conversation manager of claims 1, 2, 4, 5 and 7, respectively, they do not teach or further define over the limitations. Therefore, claims 11, 12, 14, 15 and 17 are rejected for the same reasons set forth for claims 1, 2, 4, 5 and 7, supra.

16> As to claim 22, Meltzer discloses the conversation manager of claim 1 wherein said participants define routing and filtering for said messages [column 5 «lines 20-30»].



Art Unit: 2152

17> As to claim 23, Meltzer discloses the conversation manager of claim 1 further comprising a module to apply content transformation for said messages [column 23 «lines 17-30»].

18> As to claim 24, Meltzer discloses the conversation manager of claim 1 wherein said participants handle the implementation of their own business process with rules defined locally in addition to rules defined by said information and said business protocols [column 3 «lines 1-18» | column 7 «line 55» to column 8 «line 15» | column 11 «lines 11-17»].

19> As to claim 25, Meltzer discloses the conversation manager of claim 1 wherein said conversation is associated to a conversation space, wherein said conversation space is an abstract structure wherein messages of said conversation are transmitted among participants according to said protocol, wherein said conversation space and with one of said business protocols are identified by an URL [column 10 «lines 46-65» | column 16 «lines 64-65» | column 17 «lines 1-7» | column 78 «lines 5-14» where: Meltzer's virtual enterprises and trading community is analogous to a conversation space].

20> As to claim 26, Meltzer discloses the conversation manager of claim 25 wherein said participants access said conversation space using a particular business protocol [column 2 «lines 38-44 and lines 51-54» | column 10 «lines 46-65»].

Art Unit: 2152

21> As to claim 27, Meltzer discloses the conversation manager of claim 1 wherein said conversation space supports multiple business protocols by using multiple URLs [column 17 «lines 49-51» where: Meltzer's BIDs are comparable to business protocols].

22> As to claim 28, Meltzer discloses the conversation manager of claim 1 wherein said conversation repository comprises information related to said business protocols, identifiers for said conversation identifiers for said participants, identifiers for said messages and said messages [column 5 «lines 20-30» | column 6 «lines 3-16» | column 6 «line 66» to column 7 «line 5» | column 7 «lines 55-66» | column 27 «lines 18-33»].

23> As to claim 29, Meltzer discloses the conversation manager of claim 1 wherein said protocol is extensible by said participants [column 8 «lines 9-11 and lines 16-24» | column 29 «lines 14-16»].

24> As to claim 30, Meltzer discloses the conversation manager of claim 1 wherein said protocol further allows quality of service parameters for each message [column 17 «lines 56-64» | column 28 «lines 57-65»].

25> As to claim 31, Meltzer discloses the conversation manager of claim 1 wherein said conversation initiation mechanism initiates a plurality of concurrent conversations among participants [column 22 «lines 17-20» | column 23 «lines 10-16»].

Art Unit: 2152

26> As to claims 32 and 33, as they do not teach or further define over the limitations of claim 1, they are similarly rejected for reasons set forth for claim 1, *supra*.

27> Claims 6, 8, 9, 16, 18 and 19 are rejected under 35 U.S.C § 103(a) as being unpatentable over Meltzer, in view of Borwankar.

28> As to claim 6, Meltzer does disclose that any participants can initiate a conversation amongst each other [column 10 «lines 46-49»] but does not explicitly disclose the conversation manager wherein said conversation is initiated by an initiator participant authorized to initiate conversation.

29> Borwankar discloses a conversation manager wherein said conversation is initiated by an initiator participant authorized to initiate conversation [column 8 «lines 61-65»]. It would have been obvious to one of ordinary skill in the art to implement one participant who is authorized to initiate a conversation as taught by Borwankar into Meltzer's conversation system to simplify the conversation initiation process by designating one participant who is solely responsible for initiation of the conversation.

30> As to claim 8, Meltzer does not explicitly disclose the conversation manager wherein said conversation is terminated by a terminator participant authorized to terminate said conversation among all said participants.

31> Borwankar discloses the conversation manager wherein said conversation is terminated by a terminator participant authorized to terminate said conversation among all said participants [column 9 «lines 16-18 and lines 40-43»]. It would have been obvious to one of ordinary skill in the art to implement one participant who is authorized to terminate a conversation as taught by Borwankar into Meltzer's conversation system to simply the conversation termination process by designating one participant who is solely responsible for termination of the conversation.

32> As to claim 9, Meltzer does not explicitly disclose the conversation manager wherein said conversation is aborted by the conversation manager at any time by sending abort messages to said participants.

33> Borwankar discloses the conversation manager wherein said conversation is aborted by the conversation manager at any time by sending abort messages to said participants [column 3 «lines 45-63» | column 17 «lines 25-36» where: Borwankar's termination message is analogous to an abort message]. It would have been obvious to one of ordinary skill in the art to include Borwankar's abort messages into Meltzer's conversation system to allow a participant to abort participation in a conversation with another participant.

34> Claims 16, 18 and 19 as they are merely claims to methods that describe the steps implemented by the conversation manager of claims 6, 8 and 9, respectively, they do not

Art Unit: 2152

teach or further define over the limitations. Therefore, claims 16, 18 and 19 are rejected for the same reasons set forth for claims 6, 8 and 9, supra.

35> Claims 10 and 20 are rejected under 35 U.S.C § 103(a) as being unpatentable over Meltzer and Borwankar, in further view of Pinard et al, U.S Patent No. 6.230.287 ["Pinard"].

36> As to claim 10, Meltzer does not teach a conversation manager wherein participant in an aborted conversation may be compensated for automatically by a substitute participant.

37> Pinard teaches a conversation manager wherein participant in an aborted conversation may be compensated for automatically by a substitute participant [column 5 «line 66» to column 6 «line 4»]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include participant substitution functionality into Meltzer so the next participant can be connected to Meltzer's marketplace [column 78 «lines 5-7» | column 80 «lines 26-31»] with minimal delay.

38> Claim 20 is a claim to a method that performs the steps of the machine of claim 10. Therefore, claim 20 is rejected for the same reasons as set forth for claim 10.

39> Claim 21 is rejected under 35 U.S.C § 103(a) as being unpatentable over Meltzer and Borwankar, in further view of Laura Gibbons Paul, "RosettaNet: Teaching businesses to work together", [www.developer.com/xml/article.php/616641](http://www.developer.com/xml/article.php/616641) ["Paul"].

Art Unit: 2152

40> Meltzer does disclose the use of XML protocol for its business documents [abstract], but does not specifically disclose a conversation manager wherein said business protocols include cXML, BizTalk, RosettaNet and proprietary business documents.

41> Paul discloses that cXML, BizTalk and RosettaNet are all XML-based business protocols [page 2]. It would have been obvious to one of ordinary skill in the art to implement cXML and other XML based protocols into Meltzer's system to streamline business processes in a supply chain.

#### *Conclusion*

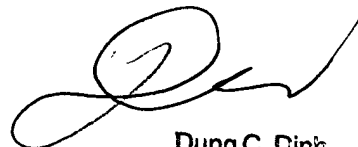
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942. The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



Dung C. Dinh  
Primary Examiner